

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

**IN RE: Michael Dell Grice, CASE NO.: 13-50689
Debtor Chapter 13**

**RESPONSE TO NOTICE OF OBJECTION AND SUPPLEMENTAL TO
CONTINUE AUTOMATIC STAY; OBJECTION TO MOTION TO EXTEND
TIME FOR FILING CHAPTER 13 PLAN AND RELATED MOTIONS AND
SCHEDULES , STATEMENTS AND LISTS; SUPPLEMENTAL OBJECTIONS
TO MOTIONS**

COMES NOW your Debtor, Michael Dell Grice, by Counsel, and in response to the Notice of Objection to Debtor's Motion to Extend the Automatic Stay filed on May 21, 2013, (hereinafter "Objection to Motion for Automatic Stay") Notice of Objection to Debtor's Motion to Extend time for filing Chapter 13 Plan and Related Motions and Schedules, Statements and Lists filed May 21, 2013 (hereinafter "Objection to Motion to Extend Time"), and Supplemental Notice of Objection to Motion to Extend Time For Filing chapter 13 Plan and Related Motions and Schedules and Statements and Lists and Automatic Stay filed May 24, 2013 (hereinafter Supplemental Objections) all filed by William Scott Davis, Jr., Debtor respectfully submits as follows:

1. Your Debtor neither admits nor denies the allegations contained in paragraphs 1 and 2 of the Objection to Motion for Automatic Stay and demands strict proof thereof.
2. Your Debtor denies the allegations contained in paragraphs 3 through 18 of the Objection to Motion for Automatic Stay.
3. Your Debtor admits the allegation contained in paragraph 19 of the Objection to Motion for Automatic Stay.

4. Your Debtor neither nor denies the allegations contained in paragraph 20 of the Objection to Motion for Automatic Stay.
5. Your Debtor denies the allegations contained in paragraphs 21 and 22 of the Objection to Motion for Automatic Stay.
6. Your Debtor has insufficient information to allow him to either admit or deny the allegations contained in paragraph 23 of the Objection to Automatic Stay, and so denies said allegations.
7. Your Debtor neither admits nor denies the allegations contained in paragraphs 24 and 25 of the Objection to Automatic Stay, and demands strict proof thereof.

COMES NOW your Debtor, Michael Dell Grice, by Counsel, and in response to the Notice of Objection to Debtor's Motion to Extend Time to File (hereinafter "Objection to Extend Time") filed by William Scott Davis, Jr., respectfully submits as follows:

8. Your Debtor neither admits nor denies the allegations contained in paragraphs 1 and 2 of the Objection to Extend Time and demands strict proof thereof.
9. Your Debtor denies the allegations contained in paragraphs 3 through 16 of the Objection to Extend Time.
10. Your Debtor admits the allegation contained in paragraph 17 of the Objection to Extend Time.
11. Your Debtor neither admits nor denies the allegations contained in paragraph 18 of the Objection to Extend Time.

12. Your Debtor denies the allegations contained in paragraph 19 of the Objection to Extend Time.
13. Your Debtor has insufficient information to allow him to either admit or deny the allegations contained in paragraph 20 of the Objection to Extend Time and so denies said allegations.
14. Your Debtor neither admits nor denies the allegations contained in paragraphs 21 and 22 of the Objection to Extend Time and demands strict proof thereof.

COMES NOW your Debtor, Michael Dell Grice, by Counsel, and in response to the Supplemental Notice of Objection to Extend Time to File Chapter 13 Plan and Related Motions and Schedules, Statement and List; Automatic Stay Request of Debtor (hereinafter "Supplemental Objections") filed by William Scott Davis, Jr., respectfully submits as follows:

15. Your Debtor denies the allegations contained in paragraphs 1, 2, 3, 6, 7, 8, and 12 of the Supplemental Objections.
16. Your Debtor neither admits nor denies the allegations contained in paragraphs 4, 5, and 9 of the Supplemental Objections and demands strict proof thereof.
17. Your Debtor has insufficient information to allow him to either admit or deny the allegations contained in paragraphs 10 and 11 of the Supplemental Objections and so denies said allegations.

18. As to all Objections herein filed by William Scott Davis, Jr. your Debtor alleges and avers that such Objections are frivolous and have been filed in bad faith, and as grounds therefore states as follows:

- a. William Scott Davis, Jr., has misused the legal process of multiple Courts in North Carolina, Virginia Arkansas and South Carolina.
- b. In North Carolina, the said William Scott Davis, Jr., has been found in abuse of process by the State of North Carolina. A copy of the Order entered by the General Court of Justice for the County of Wake was entered enjoining Mr. Davis from further filings, as conditioned by the Judgment and Order on Prefiling Injunction, (Order on Prefiling Injunction) attached as Exhibit "A".
- c. The Order on Prefiling Injunction makes multiple findings of facts and Conclusion of law evidencing the *motis operandi* of Mr. Davis various filings, including *inter alia* i.e. "a vexatious litigant whose access to the courts is being abused and misapplied for oppressive and vexacious ends." (Conclusions of Law #3)
- d. Mr. Davis has continued such abusive and vexatious filings in Virginia, in multiple cases involving the Debtor, from which the Debtor needs the protection of this Court. Specifically, Mr. Davis has contested the will of Jimmie Eugene Davis, the Debtor's

mother, who passed July 29, 2011, and of whom the Debtor and Mr. Wallace C. Arnold, Ret. General, are co-administrators. (see Certification of Official Record/Last Will and Testament, Exhibit "B") Case No. CL 12000183, Hampton Circuit Court. Such matter is currently on appeal by Mr. Davis, after not prevailing at Circuit Court, to the Virginia Supreme Court.

- e. Debtor has also had to litigate actions concerning Case No. CL 12000937, relating to alleged personal property of Mr. Davis, *inter alia*, that Debtor is claimed to have had in his possession at 510 Wine Street, Hampton, Virginia, prior to the co-administrators attempting to sell the subject property during the last year, and Mr. Davis claiming damages relative to actions by Debtor. Such litigation is currently active.
- f. Mr. Davis has also physically and verbally threatened the Debtor, resulting in the Eighth District Hampton Juvenile and Domestic Relations Court issuing a protective Order, entered on January 14, 2013 prohibiting acts of abuse, or any further contact with the Debtor. A copy of the Protective Order is attached as Exhibit "C").
- g. Mr. Davis currently has two pending counts of criminal trespassing pending in the Hampton General District Court relating to alleged violations concerning Mr. Davis trespassing on the property 510 Wine Street, Hampton, Virginia, after the Debtor had forbid Mr. Davis from entering and or otherwise trespassing on such property.

Such cases are GC12005873-00 and GC12005874-00, and both such matters set for July 16, 2013.

- h. Due to the litigious, harrassing and frivolous filings of Mr. Davis, as well as the harassing and other unlawful actions by Mr. Davis against the Debtor and his estate, the Debtor has incurred great expense, and has had difficulty funding his need for counsel concerning the relative cases, and will have difficulty proceeding as a Debtor to the multiplicity of frivolous, harassing and vexatious actions, suits, and litigation that Mr. Davis has and will inevitably continue to pursue against him and his estate, and requests the protection of the Bankruptcy Court and the automatic stay.

WHEREFORE, your Debtor prays that the Objections filed against him herein be overruled; that he be awarded attorney's fees incurred in the defense of this action; and for the Automatic Stay to be Ordered as to all creditors for the duration of this case, and such other and further relief as the nature of this case may require.

Michael Dell Grice


By 

Counsel

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Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2013, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by first class mail to the Debtor, Chapter 13 Trustee, the United States Trustee, and to all creditors and parties in interest as indicated in the creditor matrix attached.



Counsel for Debtor